

AMENDED IN ASSEMBLY MAY 7, 2013

AMENDED IN ASSEMBLY APRIL 25, 2013

AMENDED IN ASSEMBLY APRIL 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 224

Introduced by Assembly Member Gordon

February 4, 2013

An act to amend Section 47000 of, and to add Article 6 (commencing with Section 47060) to Chapter 10.5 of Division 17 of, the Food and Agricultural Code, relating to agricultural products.

LEGISLATIVE COUNSEL’S DIGEST

AB 224, as amended, Gordon. Agricultural products: direct marketing: community-supported agriculture.

Existing law encourages the Department of Food and Agriculture to assist producers in organizing certified farmers’ markets, field retail stands, farm stands, and other forms of direct marketing by providing technical advice on marketing methods and in complying with the regulations that affect direct marketing programs.

This bill would require ~~registered California direct marketing producers that are a part of market whole produce, shell eggs, or processed foods through single-farm or multi-farm~~ community-supported agriculture programs, as defined, ~~to comply with specified requirements, including specifying register annually with the department or a county agricultural commissioner as a California direct marketing producer, and to specify whether the producer is part of a single-farm community-supported agriculture program or a multi-farm community-supported agriculture program, as those terms are defined,~~

~~when registering with the department or a county agricultural commissioner as a registered California direct marketing producer.~~ The bill would impose specified requirements relating to the labeling and maintenance of consumer boxes and containers that are used in community-supported agriculture programs to deliver farm products, and would require *a* registered California direct marketing ~~producers~~ *producer* to maintain records of the contents and origin of all of the items included in each consumer box or container *in accordance with department regulations*.

The bill would require a registered California direct marketing producer to pay an annual registration fee of up to \$50, as provided, to be deposited in the Department of Food and Agriculture Fund, which would be used by the department for the administration of the bill's provisions.

Because a violation of various provisions regulating direct marketing, including requirements relating to labeling and shipping products and preparing and submitting specified documents, is a crime, this bill would create new crimes and would therefore impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 47000 of the Food and Agricultural Code
- 2 is amended to read:
- 3 47000. The Legislature finds and declares all of the following
- 4 with regard to the direct marketing of agricultural products:
- 5 (a) Direct marketing of agricultural products benefits the
- 6 agricultural community and the consumer by, among other things,
- 7 providing an alternative method for growers to sell their products
- 8 while benefiting the consumer by supplying quality produce at
- 9 reasonable prices.

1 (b) Direct marketing is a good public relations tool for the
2 agricultural industry that brings the farmer face-to-face with
3 consumers *and other end users*.

4 (c) The *direct* marketing potential of a wide variety of
5 California-produced agricultural products should be maximized
6 *and encouraged*.

7 (d) Farm stands allow farmers to sell fresh produce and eggs
8 grown on their farm as well as other food products made with
9 ingredients produced on or near the farm, thus enhancing their
10 income and the local economy.

11 (e) *The permitting, regulating, and operating of certified*
12 *farmers' markets provide the essential core and foundation for*
13 *the creation and operation of additional nonagricultural vending*
14 *activities that are ancillary but contiguous to the certified farmers'*
15 *market, thereby providing a larger community event amenity for*
16 *business districts and additional revenue for the operators of*
17 *certified farmers' markets.*

18 ~~(e)~~

19 (f) The department should maintain a direct marketing program
20 ~~and the industry should continue to~~ encourage the sale *and*
21 *purchase* of California-grown fresh produce *and other*
22 *California-produced agricultural products.*

23 ~~(f)~~

24 (g) It is the intent of the state to promote the *purchase and*
25 consumption of California-grown produce and to promote access
26 to California-produced agricultural products. Restaurants and
27 nonprofit organizations can assist in bringing California-grown
28 products to all Californians.

29 ~~(g)~~

30 (h) A regulatory scheme should be developed that provides the
31 flexibility that will make direct marketing a viable marketing
32 system.

33 ~~(h)~~

34 (i) The department should assist producers in organizing certified
35 farmers' markets, field retail stands, farm stands,
36 community-supported agriculture, and other forms of direct
37 marketing by providing technical advice on marketing methods
38 and in complying with the regulations that affect direct marketing
39 programs.

40 ~~(i)~~

1 (j) The department is encouraged to establish an ad hoc advisory
2 committee to assist the department in establishing regulations
3 affecting direct marketing of products and to advise the secretary
4 in all matters pertaining to direct marketing.

5 SEC. 2. Article 6 (commencing with Section 47060) is added
6 to Chapter 10.5 of Division 17 of the Food and Agricultural Code,
7 to read:

8
9 Article 6. Community-Supported Agriculture

10
11 47060. For purposes of this article, the following definitions
12 apply:

13 (a) “Community-supported agriculture program” or “CSA
14 program” means a program under which a registered California
15 direct marketing producer, or a group of registered California direct
16 marketing producers, grow food for a group of California consumer
17 shareholders or subscribers who pledge or contract to buy, on a
18 prepayment basis, a portion of the future crop, animal production,
19 or both, of a registered California direct marketing producer or a
20 group of registered California direct marketing producers.

21 (b) “Single-farm community-supported agriculture program”
22 means a program in which all delivered farm products originate
23 from *and are produced at* the farm of one registered California
24 direct marketing producer.

25 (c) “Multi-farm community-supported agriculture program”
26 means a program in which all delivered farm products originate
27 from *and are produced at* one or more farms of a group of
28 registered California direct marketing producers who declare their
29 association as a group at the time of their annual certification.

30 (d) “Farm” means a farm operated by a registered California
31 direct marketing producer or a group of registered California direct
32 marketing producers.

33 47061. (a) ~~A registered California direct marketing producer~~
34 that markets whole produce, shell eggs, or processed foods through
35 a single-farm community-supported agriculture program or
36 multi-farm community-supported agriculture program shall comply
37 with all of the following:

38 (1) Register annually with the department or a county
39 agricultural commissioner as ~~a registered~~ California direct
40 marketing producer, which shall include the following:

1 (A) A statement specifying whether the producer is part of a
2 single-farm community supported agriculture program or
3 multi-farm community-supported agriculture program.

4 (B) A signed statement that the producer is in compliance with
5 any applicable on-farm food safety good agricultural practices, as
6 defined by the department, in cooperation with the direct marketing
7 producer industry.

8 (2) Label the consumer box or container used to deliver farm
9 products to the consumer with the name and address of the farm
10 delivering the box or container.

11 (3) Maintain the consumer boxes or containers in a condition
12 that prevents contamination.

13 (4) Inform consumers, either by including a printed list in the
14 consumer box or container or by delivering a list electronically to
15 the consumer, of the farm of origin of each item in the consumer
16 box or container.

17 (5) Maintain records that document the contents and origin of
18 all of the items included in each consumer box or container, *in*
19 *accordance with department regulations*.

20 (6) Comply with all labeling and identification requirements
21 for shell eggs and processed foods imposed pursuant to the
22 provisions of the Health and Safety Code, including, but not limited
23 to, the farm's name, physical address, and telephone number.

24 (b) A registered California direct marketing producer that
25 ~~complies with the registration requirements pursuant to paragraph~~
26 ~~(1) of subdivision (a)~~ *is in compliance with this section and in*
27 *good standing* shall be deemed an approved source, as defined in
28 Section 113735 of the Health and Safety Code.

29 (c) Nothing in this section shall be construed to remove the
30 responsibility of a community-supported agriculture program from
31 obtaining all required permits and licenses, including, but not
32 limited to, a produce handler license or a cottage food permit.

33 47062. (a) The annual registration fee for a registered
34 California direct marketing producer shall be set by regulation
35 enacted by the secretary that is reflective of the actual cost of the
36 processing of registration and any enforcement needs, but in no
37 event shall exceed fifty dollars (\$50) annually.

38 (b) Fees collected pursuant to this article shall be deposited in
39 the Department of Food and Agriculture Fund and shall be used

1 by the department for the administration of this article.

2 Administration of this article shall include all of the following:

3 ~~(1) Creating and maintaining an online process and producer~~
4 ~~data filing system for registration.~~

5 *(1) Create and maintain an online data filing and registration*
6 *system for California direct marketing producers.*

7 (2) Reimbursement for expenses incurred by county agricultural
8 commissioners for implementing or aiding in the registration
9 process.

10 (3) Coordination expenses incurred relative to meetings and
11 actions of any ad hoc direct marketing advisory committee
12 established by the secretary.

13 ~~(c) All or a portion part of the annual registration fee shall be~~
14 ~~waived when registration for California direct marketing producers~~
15 ~~is combined with other annual registration or certification processes~~
16 ~~if fees are paid by a California direct marketing producer for~~
17 ~~registration or certification under any other program under the~~
18 ~~purview of this division where a fee is exacted from the California~~
19 ~~direct marketing producer for registration or processing.~~

20 (d) The provisions of this article shall be complied with
21 regardless of any waiver of fees granted.

22 SEC. 3. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of
28 the Government Code, or changes the definition of a crime within
29 the meaning of Section 6 of Article XIII B of the California
30 Constitution.